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Glaucoma Certification Regulation Approved

The Board of Optometry is pleased to announce that California Code of Regulations (CCR) Section 1571 – Requirements for Glaucoma Certification was approved on Dec. 9, 2010, by the Office of Administrative Law (OAL) and filed with the Secretary of State. The regulation became effective Jan. 8, 2011. Implementation of this regulation will provide greater access to optometric care and ensure that California consumers continue to receive high quality eye care from California optometrists. Thanks to everyone who sent letters of support and helped make this great achievement possible!

This regulation allows optometrists who graduated prior to May 1, 2008 to become glaucoma certified by completing a 24-hour didactic course in the management of glaucoma, and by meeting a case management requirement. Under the case management requirement, a minimum of 25 individual patients are each prospectively treated for a minimum of 12 consecutive months. There are three options for completing the 25-patient requirement:

- 1) A Case Management Course
- 2) A Grand Rounds Program; or
- 3) A Preceptorship Program

The regulation also specifies continuing education requirements for glaucoma-certified optometrists and an exemption from the didactic course and case management requirements for certification for optometrists who completed their education from accredited schools or colleges of optometry on or after May 1, 2008.

Next steps: Pursuant to the regulation, accredited California schools and colleges of optometry must cooperatively develop the Case Management Course and Grand Rounds Program, which must then be approved by the Board of Optometry. Please check the Board's Web site at www.optometry.ca.gov/meetings/index.shtml for upcoming meetings dealing with the implementation of this regulation.

Visit the Board's Web site at www.optometry.ca.gov/lawsregs/approvedreg.shtml to view the approved regulation in its entirety.

New fingerprint requirement for licensees renewing a license

The Board adopted regulations effective June 21, 2010, requiring criminal background checks for all licensees who have either not been fingerprinted as a condition of licensure or for whom no electronic record exists in the Department of Justice (DOJ) criminal offender record identification database. The regulation also requires that fingerprints be provided to the Federal Bureau of Investigation (FBI). As a result, almost all licensees must comply with the new fingerprint requirement at the time that their license is renewed.

After a random review of approximately 100 licensee files, Board staff found that most of them dated prior to 2007 did not have fingerprints sent to the FBI, only to the DOJ. Thus far, approximately 800 informational letters have been sent to those doctors that were found to have not met the fingerprint requirement; 850 more letters are set to be mailed soon. Board staff will be reviewing each file for compliance and will notify those doctors who have not met the requirement. Make sure to answer the fingerprint requirement compliance question on your renewal form and submit your fingerprints to the Board. Failure to do so will delay the processing of your license renewal.

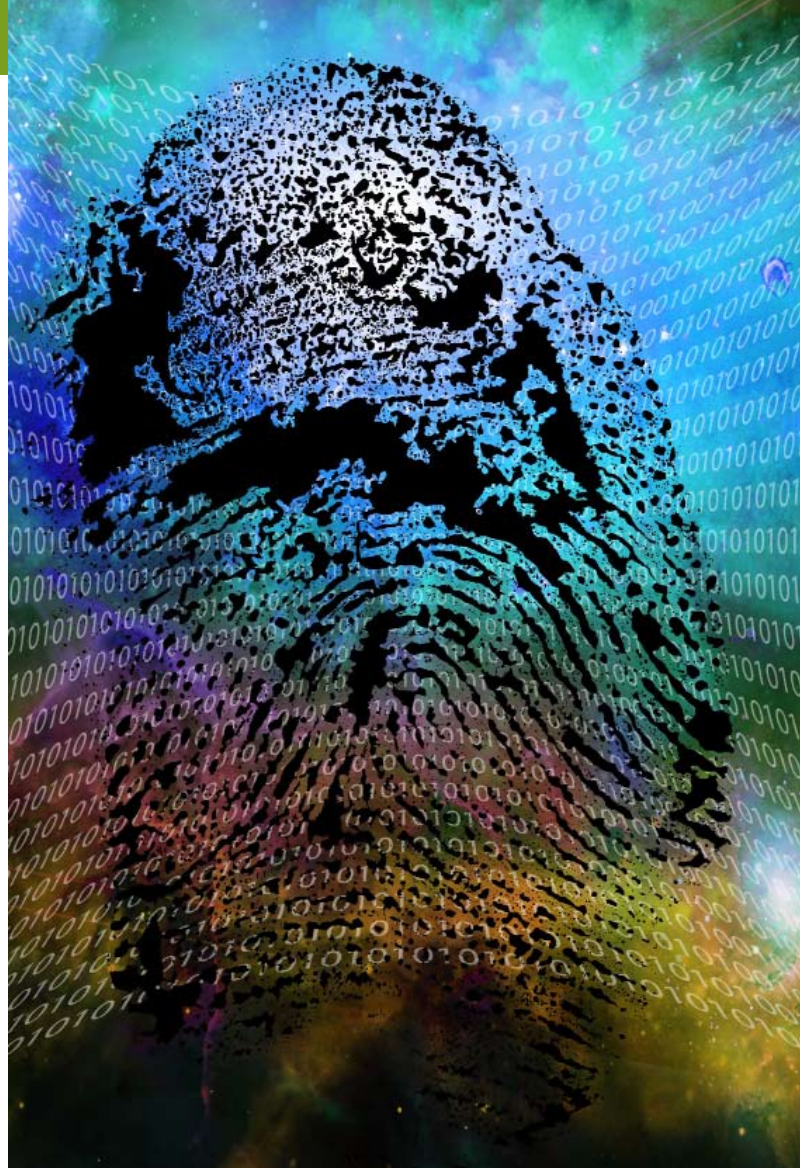
Forms, instructions, and frequently asked questions relating to the new fingerprinting requirements are available on the Board's Web site (www.optometry.ca.gov/faqs/fingerprint.shtml). Here are some commonly asked questions:

Q: I am a licensee. How do I find out if I need to comply?

A: If you are unsure if you need to be fingerprinted, please visit the Board's Web site or contact the Board at 916-575-7170.

Q: I've been fingerprinted many times in my life. Can I just send the Board those clearances? Or, can I authorize that my results be released from the previous fingerprint clearance?

A: The law states that third parties are not allowed to share your criminal background check results; thus, you need to be fingerprinted for the Board of Optometry.



Q: Where do I get fingerprints done?

A: Most local police departments or sheriff's stations offer Live Scan fingerprinting services. For a list of providers in your area, please visit the Attorney General's Web site at <http://ag.ca.gov/fingerprints/publications/contact.php>.

The Board recognizes this fingerprint requirement represents an inconvenience to many licensees, but criminal background checks are an essential component of the Board of Optometry's mission to protect consumers. The Board's Web site, www.optometry.ca.gov/faqs/fingerprint.shtml, is a good resource if you have further questions on this new requirement.

Do you operate as an Optometric Corporation?

Effective Jan. 1, 2007, optometric corporations are no longer required to register with the Board. However, if your corporation is considered a fictitious name, and you plan to operate with that name, you must make sure you have correctly registered the fictitious name with the Board and received a current Fictitious Name Permit (FNP).

To clarify, an FNP is needed for a corporation name that is not your own. For example:

John D. Jones, O.D., Inc. – No FNP needed

John D. Jones Optometry – Yes, FNP is needed

Although the Board is no longer requiring registration of an optometric corporation, the Board has maintained its authority to regulate optometric corporations and the Board may take disciplinary action against optometrists who are not in compliance with the law. Please note that optometric corporations are required to meet all legal requirements regarding officers, shareholders, directors, formation, etc., pursuant to BPC section 3160-3167 and Corporations Code Sections 13400-13410.

Board staff is in the process of reviewing all FNPs and corporation names in order to ensure that licensees have complied with this requirement. If you have not registered your FNP with the Board, please take a moment to do so during the final stages of this transition.

Tips for renewing your license on time

Missing a simple checkbox on your license renewal form can delay processing. If the delay causes your license to become delinquent, you will not be able to work until the renewal process is complete. Most incomplete renewal forms are missing a check box or a signature, specifically, the check boxes for Declaration of Compliance with Continuing Education Requirements, Conviction History, and Fingerprint Requirements. Follow these tips for a stress-free renewal.

1. Read the renewal application thoroughly. If your staff helps you complete your renewal form, be available if they have any questions about the form. Don't hesitate to contact the Board for assistance.
2. Review the application before you submit it. Be sure you checked the appropriate boxes and signed the form.
3. Make sure your check or money order is for the correct amount. The renewal application includes information on the required fees.

The Board mails out renewal reminders about 120 days before a license expires. However, you are responsible for renewing on time, even if you don't receive the reminder. You can find a license renewal application in the "Forms/Publications" section of the Board's Web site, www.optometry.ca.gov/forms-pubs/index.shtml. The Board encourages you to renew your license 60 days before it expires as it takes six to eight weeks for processing.



New Laws effective January 1, 2011

The following bills will become effective Jan. 1, 2011. To view these bills in their entirety, visit the California Legislative Counsel's Web site at www.leginfo.ca.gov or contact the Board at 916-575-7170.

AB 2683 (Hernandez) – The Practice of Optometry in Health Facilities and Optometric Assistants

This bill establishes guidelines for the practice of optometry at a health facility or residential care facility provided the optometrist meets the following requirements:

- The optometrist maintains a primary business office separate from the health facility or residential care facility that meets the following requirements:
 - > Is open to the public during normal business hours by telephone and for billing services or access to patient records.
 - > Is licensed to the optometrist or the employer of the optometrist as a local business with the city or county in which it is located.
 - > Is registered by the optometrist with the Board of Optometry.
 - > Is owned or leased by the optometrist or by the employer of the optometrist.
 - > Is not located in or connected with a residential dwelling.
- The optometrist maintains or discloses patient records in the following manner:
 - > Records are maintained and made available to the patient in such a way that services provided are conspicuously disclosed. The disclosure of records shall be made at or near the time services are rendered and shall be maintained at the primary business office.
 - > The optometrist complies with all Federal and State laws and regulations regarding maintenance and protection of medical records.
 - > The optometrists keep all necessary records for minimum of seven years from the date of service, pursuant to Section 3007.



- > If a prescription is issued to a patient, records shall be maintained for each prescription as part of the patient's chart, including the optometrist's name, license number, place of practice and primary business office, and description of goods and services for which patient is charged and the amount charged.
- A copy of any referral or order requesting optometric services for a patient from the health facility's or residential care facility's administrator, the director of social services, the attending physician and surgeon, the patient, or a family member shall be kept in the patient's medical record.
- The optometrist possess and appropriately uses the instruments and equipment required for all optometric services and procedures performed within the health facility or residential care facility.

An optometrist who satisfies all of the requirements in this section for the practice of optometry at a health facility or residential care facility shall not be required to comply with Section 3070 with regard to providing notification to the Board of each facility or residential care facility at which he or she practices.

This bill also authorizes an assistant to fit prescription lenses and perform additional duties in any setting where optometry or ophthalmology is practiced, under the direct responsibility and supervision of a physician and surgeon, optometrist, or ophthalmologist. The bill would define "setting" for purposes of this provision to include, without limitation, any facility licensed by the State Department of Public Health or the State Department of Social Services. The bill makes conforming changes to related provisions. [Business and Professions Code Sections 2544, 2553.6, 2559.4, 2564, and 3070.1]

SB 1489 Omnibus Bill (Senate Business, Professions, and Economic Development Committee)

This bill enacts, amends, or repeals a number of provisions in the practice of optometry. The following changes made by this bill are noncontroversial and are intended to clarify, update, and strengthen licensing laws. All sections cited refer to the Business and Professions Code (BPC).

- **Section 3046, Eligibility Requirements for Licensure**
Clarifies that applicants for licensure must pass both required licensing examinations, not just one examination (the National Board of Examiners in Optometry and the California Laws and Regulations Examination).
- **Section 3057.5, Eligibility of Graduates from Foreign Universities**

In order to be consistent with BPC Section 3046, the word examination has being amended to read examinations.

- **Section 3147, Renewal of Expired Certificates**
Clarifies that proof of completion of the required number of hours of continuing education for the last two years must be submitted as part of the renewal process for an expired license.
- **BPC Section 3147.6, Restoration of Certificate Following Failure to Renew Within Specific Period**
Clarifies license renewal requirements for California-licensed optometrists who fail to renew their license within three years after the license expired.
- **BPC Section 3147.7, Applicability of Provision to Out-of-State Licensees**
Requires that out-of-state licensed optometrists who let their California license lapse for more than three years, but who can substantiate an active and current optometric license in another state, take and pass the California Laws and Regulations Examination in addition to meeting other requirements for license renewal.

AB 2699 (Bass) – State License Exemption for Out-of-State Licensed Health Care Practitioners Who Provide Free Services on a Short-Term, Voluntary Basis to Uninsured Persons

This bill provides an exemption from licensure and regulation requirements to optometrists, licensed or certified in good standing in another state or states, who offer or provide eye care services through a sponsored event. Eye care must be provided as follows:

- To uninsured or underinsured persons,
- On a short-term, voluntary basis,
- In association with a sponsoring entity that registers with the California State Board of Optometry and provides specified information to the county health department of the county in which the health care services will be provided, and
- Without charge to the recipient, or a third party on behalf of the recipient, as specified.

This bill requires an exempt optometrist to obtain prior authorization to provide these services from the Board and satisfy other specified requirements such as including payment of a fee as determined by the Board. A fee, if any, has yet to be considered by the Board. This bill also requires the Board to notify the sponsoring entity whether the Board approves or denies a request for authorization to provide these services within 20 days of receipt of the request. This bill prohibits a contract of liability insurance issued, amended, or renewed on or after Jan. 1, 2011, from excluding coverage of these practitioners or sponsoring entity for providing care under these provisions. (BPC Sections 900 and 901)

AB 2500 (Hagman) – Reinstatement of Optometry License for Licensees in Military Service

This bill authorizes a licensee whose license expired while on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without re-examination or penalty, unless the licensing agency determines that the applicant has not actively engaged in the practice of optometry while on active duty. Previous law was more restrictive and only allowed this type of reinstatement if the licensee had served during periods of war. (BPC Section 114)

AB 2783 (Committee on Veterans Affairs) – Military Personnel

This bill requires the Board to develop rules and regulations that provide methods of evaluating education, training, and experience obtained in the armed services, if applicable to the requirements of the practice of optometry. These rules and regulations shall also specify how this education, training, and experience may be used to meet the licensure requirements for optometrists. The Board must consult with the Department of Veterans Affairs and the Military Department before adopting any rules and regulations.

Board of Optometry holds Halloween-themed press conference

On Oct. 26, 2010, the Board hosted a press conference at the Spirit Halloween Store in the Arden Fair Mall in Sacramento.

Board President Lee Goldstein, O.D., addressed the media about the dangers of purchasing cosmetic contact lenses without a prescription from an unlicensed individual. Additionally, Board Member Fred Naranjo made a plea for public awareness due to the risk of serious eye health problems that can occur from wearing lenses from unlicensed vendors. Consumers who purchase these contact lenses do not get the proper fit and care instructions necessary to maintain eye health. Consequently, they are susceptible to infection and possible ulceration which can lead to eye loss.

The Halloween season increases the visibility of cosmetic lenses as consumers (teens and young adults, especially) use them to accent their costumes. Therefore, to garner further public attention, Board staff dressed in costumes and modeled a variety of decorative lenses, including the red contacts featured on Twilight vampires, jaguar eyes, and flames.



A message from the Board President

Clockwise: Lee Goldstein, OD, Board President and Fred Naranjo, Public Member

Media covering this event included News 10 television, Sacramento; Capitol Television News Service; and Capitol Weekly newspaper. A photo of a staff member was featured on the cover of the Nov. 4, 2010, issue of Capitol Weekly. A video of the press conference can be viewed on the Department of Consumer Affairs Web site, www.dca.ca.gov/publications/multimedia/index.shtml.

Halloween Vision Nightmare Flier

In conjunction with the Department of Consumer Affairs' Publications, Design & Editing Office, Board staff developed a Halloween-themed flier discussing the dangers related to purchasing cosmetic contact lenses from an unlicensed dispenser and without a prescription. This flier was posted on the Board's Web site and distributed to schools statewide.

The Board contacted the California State Parent and Teacher Association (PTA), which agreed to forward the flier to each of its 29 PTA district health counterparts throughout the State. The Board's goal was to have each of these offices share the information with local PTAs and, ultimately, with parents and students. Additionally, the California State PTA posted the Board's flier on its Web site and Facebook page, which reached approximately 1,400 people. If you are aware of businesses selling cosmetic contact lenses without a prescription, please contact the Board's Enforcement Unit at 916-575-7170.



Board staff participated in this outreach event to spread the word about cosmetic contact lens safety.

Clockwise: Brianna Miller, Enforcement Analyst, Andrea Leiva, Policy Analyst, Malena Ramirez, Student, and Elvia Melendrez, Licensing Unit.

National Board of Examiners in Optometry Part III Administration

Starting August 2011, the National Board of Examiners in Optometry (NBEO) will be administering its Part III Clinical Skills Examination (CSE) at the National Center of Clinical Testing in Optometry (NCCTO) in Charlotte, N.C.

This transition to a single-site administration was prompted by the current trend among healthcare professions to administer clinical skills exams in one or very few testing sites. Also, the new testing design allows for a more consistently administered, uniformly scored, stable exam.

The NBEO understands that candidates will have to face yet another travel expense as they complete their optometric educa-



tion; however, a one-site CSE administration at the NCCTO will give all candidates a uniform CSE experience. Testing rooms will be identical and in the exact same configuration for all candidates. The NBEO will provide all candidates the opportunity to preview the facility, rooms, and the CSE process through online video capabilities. For more details on this exciting new development, please go to the NBEO's Web site at www.optometry.org.

Interested in Continued Competency for Healthcare Professionals?

The Citizen's Advocacy Center (CAC) began looking at health professional continuing competency in the early 1990's believing that, from a consumer protection point of view, it does not make sense to assess a professional's competence only once in the course of a career. CAC presented its findings on the benefits of implementing continuing competency requirements for health care practitioners at the Board's January 11, 2011 meeting. For those of you that missed it, if you would like to learn more about this topic you can go to www.cacenter.org or call (202)462-1174.



A New Look for the Board of Optometry

In conjunction with the Department of Consumer Affairs' Office of Publications, Design and Editing, the Board is proud to present its new logo:

Before



After



As part of the Board's strategic plan, the Board and staff hope to modernize their look in order to rebrand the Board as a leading healthcare profession board that continuously provides consumers and optometrists with effective, collaborative, and proactive services. The logo will be used on the Board's Web site, on letterhead, and on new Board publications. The Board is excited to start the New Year with a new look!

Welcome to our New Board Members!

The Board is please to welcome Donna Burke and Alexander Kim as its newest members. The Senate Rules Committee appointed Ms. Burke to the Board as a public member on October 11, 2010. She was an executive director of external affairs for AT&T where she maintained oversight of philanthropic contributions that promoted digital inclusion for the underserved. She also served as the liaison to local elected officials and their staffs in Sacramento County and surrounding communities. Burke serves on several community boards, including Capital Public Radio, Folsom Lake Foundation, Leadership California, and California Women Lead – Sacramento Region. She has an undergraduate degree in journalism from California State University, Fresno.

The Governor appointed Mr. Kim to the Board as a public member on December 27, 2010. Since 2004, he has been deputy director and community liaison to the Asian American community for Governor Schwarzenegger's Los Angeles Office. He most recently served as an economic development representative and liaison for the Asian-American community for Los Angeles Mayor Jim Hahn.

Disciplinary and Enforcement Actions

The following is a list of disciplinary and enforcement actions taken by the Board in 2010:

Probation

Bonakdar, Mohammed Alexander (OPT 9763)
Santa Ana, CA

Previously disciplined in Florida for failing to comply with a lawful order made by the Florida Board of Optometry. License is revoked; revocation is stayed and Dr. Bonakdar's license is placed on one year of probation with various terms and conditions. Effective Feb. 21, 2010.

Breen, Lisa Elizabeth (OPT 14075)
Carlsbad, CA

Stipulated decision. Demonstrated unprofessional conduct by using alcohol in a manner that is dangerous to herself or others. Dr. Breen's license was revoked; revocation was stayed and her license was placed on probation for a term of three years with certain terms and conditions. Effective Sept. 3, 2010.

Cornelison, Brett Byron (OPT 9861)
Clovis, CA

Stipulated decision. Effective Aug. 9, 2004, Dr. Cornelison's license was revoked; revocation was stayed and his license was placed on probation for a term of four years for practicing optometry without a valid license and for fraudulently altering his license to appear

unexpired. Subsequently, Dr. Cornelison failed to comply with the terms and conditions of his probation and a petition to revoke his probation was issued on Aug. 8, 2008. Dr. Cornelison's license is revoked; revocation is stayed and his term of probation has been extended for three years with various terms and conditions. Effective April 26, 2010.

Lu, Ben (OPT 11014)
South Pasadena, CA

Stipulated decision. Dr. Lu failed to comply with the terms and conditions of his probation. Voluntary surrender of license. Effective February 21, 2010.

Martin, Richard (OPT 8799)
Shasta Lake, CA

Stipulated decision. Convicted of driving with a blood-alcohol level at or greater than 0.08 percent and demonstrated unprofessional conduct by using alcohol in a manner that is dangerous to himself or others. Dr. Martin's license is revoked; Revocation is stayed and Dr. Martin's license has been placed on probation for a term of three years with various terms and conditions. Effective April 26, 2010.

Tom, Gregory Lawrence (OPT 10427)
San Ramon, CA

On April 3, 2008, Dr. Tom's license was surrendered to the Board on the

grounds of insurance fraud. Dr. Tom petitioned for reinstatement of his license and his petition was granted. License is revoked; revocation is stayed and Dr. Tom's license was reinstated on probation for a term of five years probation with various terms and conditions. Decision effective July 15, 2009. Surrender until Jan. 1, 2010. Probation term: five years, effective Jan. 1, 2010, and ending Jan. 15, 2015

Pending Accusations

Amundsen, Dean K. (OPT 7925)
Camarillo, CA

Accusation pending. Alleged grounds for discipline: Dr. Amundsen demonstrated unprofessional conduct and gross incompetence based on treatment of the patient.

Dea, Marc Douglas (OPT 11124)
San Lorenzo, CA

Accusation pending. Alleged grounds for discipline: Dr. Dea demonstrated gross negligence and incompetence by incorrectly diagnosing a patient, failing to refer the patient to an ophthalmologist, and for not maintaining adequate patient records.



Fisher, Svetlana (OPT 9936)
West Hollywood, CA

Accusation pending. Alleged grounds for discipline: Dr. Fisher demonstrated gross negligence and incompetence in treatment of her patients and failed to maintain adequate and accurate medical records.

Gibson, Brent (OPT 10198)
Woodland Hills, CA

Accusation pending. Alleged grounds for discipline: Convicted of misdemeanor theft and possession of a controlled substance. Dr. Gibson demonstrated unprofessional conduct through dangerous use of controlled substances (crack cocaine).

Hall, Jeffrey (OPT 6242)
San Diego, CA

Accusation pending. Allegations that Dr. Hall demonstrated gross negligence and incompetence in the treatment of a patient and failed to maintain adequate and accurate medical records.

McEldowney, Phillip (OPT 9742)
Garden Grove, CA

Accusation pending. Alleged grounds for discipline: Effective July 10, 2006, Respondent's license was revoked, the revocation was stayed, and his license was put on probation for a term of five years. Respondent has failed to abide by the following terms and conditions of his probation: failure to comply with Board's probation program, failure to submit written reports, failure to obtain an approved supervisor, failure to take the law portion of licensing examination, and failure to take an ethics course.

Millie, Elise (OPT 13430)
Tampa, FL

Accusation pending. Alleged grounds for discipline: Dr. Millie demonstrated unprofessional conduct by fraudulently prescribing medication to a patient.

Nell, Edward (OPT 6522)
Santa Clara, CA

Accusation pending. Alleged grounds for discipline: Convicted of driving with a blood alcohol content of 0.8 percent or more. Later convicted of driving under the influence of alcohol. Used alcohol in a manner dangerous to oneself or others.

Nguyen, Huyen (OPT 10148)
Sacramento, CA

Accusation pending. Alleged grounds for discipline: Effective July 10, 2006, respondent's license was revoked, the revocation was stayed, and she was put on probation for a term of three years. Respondent has failed to abide by the following terms and conditions of her probation: failure to comply with probation, failure to obey all laws, failure to submit timely written reports, failure to comply with supervision requirements, and failure to comply with cost recovery payments.

Vaughan, Collin (OPT 12990)
Merced, CA

Accusation pending. Alleged grounds for discipline: Convicted of two counts of driving with a blood alcohol content of 0.8 percent or more. Dr. Vaughan has shown unprofessional conduct in regard to alcohol abuse.

Vollmer, Arnold Milton (OPT 6375)
Carlsbad, CA

Accusation pending. Alleged grounds for discipline: Dr. Vollmer demonstrated gross negligence and incompetence by failing to diagnose glaucoma in a patient.

Weinberg, Scott (OPT 8136)
Walnut Creek, CA

Accusation pending. Alleged grounds for discipline: Convicted of six counts of arson. Demonstrated unprofessional conduct.

Young, Lawrence (OPT 8618)
Fontana, CA

Accusation pending. Alleged grounds for discipline: Effective April 3, 2008, respondent's license was revoked, the revocation was stayed, and he was put on probation for a term of three years. Respondent has failed to abide by the following terms and conditions of his probation: failure to obey all laws, failure to provide written quarterly reports, failure to function as an optometrist, failure to complete an optometry course, failure to comply with community services provision, and failure to comply with the cost recovery agreement.

To view a printable version of the above accusations and decisions go to the "Citations and Disciplinary Actions" section of the Board's Web site, www.optometry.ca.gov/consumers/disciplinary.shtml.

2011 Board Meeting Dates

January 11

Location: Oakland | Elihu Harris Building

April 11 or 12

Location: Southern California | Southern California College of Optometry

June 3

Location: Southern California | TBD

August 5

Location: Sacramento | Department of Consumer Affairs

November 4

Location: Southern California | Western University of Health Sciences College of Optometry



The Board is working with schools and colleges of optometry to hold Board meetings on their campuses. The Board would like to take those opportunities to interact with California's future optometrists and would like to invite all interested optometrists and individuals to attend.

For the most current Board Meeting dates and locations, log on to www.optometry.ca.gov and go to Board Meetings under "Quick Hits".

Keep up with the news

Are you interested in the Board of Optometry's latest actions? If so, join our subscriber's list to get e-mail updates of:

- > Meeting agendas
- > Regulation and law changes
- > Newsletters
- > Subject matter expert workshops

To sign up, go to www.optometry.ca.gov and select the green "Join Our Mailing List" button.



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